

REMARKS

Claims 1, 2, and 5-11 remain pending in the application after entry of the foregoing amendment. Claims 3 and 4 have been canceled, and claims 1 and 5 have been amended. Claim 1, as now amended, incorporates the features of original claims 3 and 4, and recites a safety manual vegetable cutter comprising a frame equipped with at least one cutting blade fitted transversely facing a slot through which sliced vegetables pass, two side rails to provide guidance in a to-and-fro translational motion for a guide chamber equipped with a loading volume in the guide chamber for vegetables to be sliced and acting in conjunction with a press-down cap designed to be gripped by a user to move the guide chamber to and fro along the guide rails while exerting a constant pressure on the vegetables contained in the loading volume so as to press them against the at least one cutting blade fitted to the frame and enable them to be sliced along a cutting plane by the at least one cutting blade, and means for adjusting the depth of cut including a ramp fitted so as to be capable of translational motion parallel to the cutting plane and facing the at least one cutting blade at a first end to form a slot through which the sliced vegetables pass.

Reconsideration and allowance of claims 1, 2, and 5-11 are requested in view of the following remarks.

Claim Objections

Applicant respectfully requests the withdrawal of the objection to the pending claims as lacking a proper introduction. The amendment of the specification to add the phrase “What is claimed is:” at the end thereof, immediately preceding the listing of the claims, provides the required introduction to the claims in accordance with 37 CFR § 1.75(a) and M.P.E.P § 608.01(m).

Claim Rejections – 35 USC § 112

With regard to the rejection of claims 4-5 as lacking positive antecedent basis for “the cutting plane” under the second paragraph of 35 USC § 112, Applicant has amended claim 1 to include recitation of “a cutting plane” along which the vegetables contained in the loading volume are cut as they are pressed against the at least one cutting blade. This

cutting plane is disclosed and described in paragraphs 30, 31, and 121 of the originally filed specification. Because “the cutting plane” now has positive antecedent basis in claim 1, Applicant requests withdrawal of this rejection.

Double Patenting – Terminal Disclaimer

With regard to the nonstatutory double patenting rejection of claims 1-11, Applicant is filing a terminal disclaimer with respect to U.S. Patent No. 6,732,622 concurrently with this response to office action, in accordance with 37 CFR § 1.321(c). The present invention and ‘622 are commonly owned by DEBUYER and have the same inventor JACQUES VINCENT, as required by 37 CFR § 1.130(a). Applicant submits that because of the terminal disclaimer, claims 1-11 are no longer unpatentable over claims 1-15 in ‘622 based on obviousness-type double patenting. Therefore, Applicant requests that this rejection be withdrawn.

Claim Rejections – 35 USC § 102

With regard to the 35 USC § 102(b) rejection of claims 1-7 as being anticipated by U.S. Patent No. 1,974,194 (Phillips), Applicant has amended claim 1 to incorporate the limitations of original claims 3 and 4, and has cancelled claims 3 and 4. Claim 5 has been amended to depend from claim 1 instead of from claim 4. Claims 1, 2, 5, 6, and 7 are now distinguishable from Phillips as including a feature not anticipated or disclosed in Phillips. In the present invention, the thickness of cut is varied by moving the cutting depth adjustment ramp (10) parallel to the cutting plane so as to maintain an optimal cut angle with respect to the cutting blade (9, 9’). This feature is particularly described in paragraphs 30, 38, 39, and 121 of the original specification of the present invention. In contrast, the thickness of cut is varied in the Phillips device by pivoting the support (31) about the rivets (24’) so that the angle of cut changes with the thickness of cut; the thicker the cut, the greater the angular difference between the support (31) and the plate (22).

The parallel movement of the ramp (10) in the present invention ensures that the first end of the ramp (10) remains at a constant and very short distance from the cutting blade (9, 9’), improving the regularity and accuracy of the cut. Further, there is no variation in height

during the translational motion of the vegetables across the cutting blade (9, 9'), avoiding any phenomenon of thinning at the end of the cut as might be experienced by the use of the Phillips device. In the Phillips device, the vegetable approaches the slicing blade (28) at one angle defined by the position of the support (31) and exits the slicing blade (28) at a different angle defined by the plate (22), a situation which may tend to pull the unsliced portion of the vegetable away from the slice being taken off by the blade (28), causing thinning of the slice and possible tearing rather than clean slicing of the vegetable.

Because Phillips does not anticipate the parallel-moving cutting depth adjustment ramp of the present invention, Applicant requests that this rejection be withdrawn.

Claim Rejections – 35 USC § 103

With regard to the 35 USC § 103(a) rejection of claims 8 and 9 as being unpatentable over Phillips in view of U.S. Patent No. 5,745,999 (Zirkiev), the amendment of claim 1 resolves the rejection. Because claims 8 and 9 depend from claim 1, and amended claim 1 incorporates the parallel movement of ramp (10) with respect to the cutting plane, a feature which distinguishes the present invention from Phillips, the combination of Phillips and Zirkiev does not render claims 8 and 9 obvious. Additionally, Zirkiev does not use a single interchangeable cutting blade as does the present invention; instead Zirkiev uses one fixed cutting blade (28) in combination with interchangeable inserts (60, 84, 90) in order to affect the same result achieved by a single cutting blade (9') in the present invention. Therefore, Applicant submits that claims 8 and 9 are patentable over Phillips in view of Zirkiev and requests that this rejection be withdrawn.

Allowable Subject Matter

The Examiner acknowledges that claims 10 and 11 are drawn to allowable subject matter. Since the double patenting rejection has been removed by the filing of the terminal disclaimer noted above, Applicant submits that claims 10 and 11 are allowable.


CONCLUSION

For all of the foregoing reasons, the application is in condition for allowance. Withdrawal of all objection and rejections, and allowance of claims 1, 2, and 5-11, is respectfully requested. An early notice of allowance of those claims is earnestly solicited.

Respectfully submitted,

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